

Judiciary and Law Enforcement: Ritsema, Chair; Lloyd-Jones and Anderson of Audubon.

House 2 p.m. 5 857 De. Pass 4/2 (p. 1355)

FILE MAR 13 1980

SENATE FILE 2316

By COMMITTEE ON JUDICIARY

(FORMER SSB 2257)

Approved 2 3/11 (p. 802)

Passed Senate, Date 3-21-80 (p. 1013) Passed House, Date 4/2/80 (p. 1432)

Vote: Ayes 40 Nays 0 Vote: Ayes 42 Nays 0

Approved May 13, 1980

Report sent to House committee

4/14/80 (p. 1413)
48-0

A BILL FOR

- 1 An Act relating to the disposition of property by counties.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
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2316

1 Section 1. Section three hundred thirty-two point three
2 (332.3), subsection thirteen (13), Code 1979, as the section
3 is amended by Acts of the Sixty-eighth General Assembly, 1979
4 Session, chapter thirty-nine (39), section two (2), and chapter
5 eighty (80), section one (1), is amended by striking the
6 subsection and inserting in lieu thereof the following:

7 13. To dispose of an interest in real or personal property
8 by sale, by lease for a term of more than three years, or
9 by gift, in accordance with the following procedure:

10 a. The board shall set forth its proposal in a resolution
11 and shall publish at least one notice in a newspaper of general
12 circulation in the county not less than four nor more than
13 twenty days before the date set for the time and place of
14 a public hearing on the proposal.

15 b. After the public hearing, the board may make a final
16 determination on the proposal by resolution.

17 c. A county may not dispose of real property by gift
18 except to a governmental body for a public purpose. However,
19 a county may dispose of real property for use in an Iowa
20 homesteading program under section two hundred twenty point
21 fourteen (220.14) of the Code for a nominal consideration.

22 Sec. 2. Section five hundred sixty-nine point eight
23 (569.8), subsection one (1), as amended by Acts of the Sixty-
24 eighth General Assembly, 1979 Session, chapter sixty-eight
25 (68), section eighteen (18), is amended by striking the
26 subsection and inserting in lieu thereof the following:

27 1. Disposition by a county of property acquired by tax
28 deed shall comply with the requirements of section three
29 hundred thirty-two point three (332.3), subsection thirteen
30 (13) of the Code.

31 Sec. 3. Section five hundred sixty-nine point eight
32 (569.8), subsection six (6), as amended by Acts of the Sixty-
33 eighth General Assembly, 1979 Session, chapter sixty-eight
34 (68), section eighteen (18), is amended by striking the
35 subsection.

1 Sec. 4. This Act takes effect January first following
2 its enactment.

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EXPLANATION

4 This bill amends section 332.3, subsection 13 of the Code
5 by setting forth new procedures to be used by a board of
6 supervisors in disposing of property by sale, by lease or
7 by gift. It also amends section 569.8 of the Code to provide
8 that disposition by a county of property acquired by tax deed
9 shall comply with the requirements of section 332.3, subsection
10 13. Thus the required procedures for disposing of county
11 property will be identical under both sections.

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SENATE FILE 2316

H-5857

1 Amend Senate File 2316 as passed by the Senate
2 as follows:

3 1. Page 1, by striking lines 7 through 9 and
4 inserting in lieu thereof the following:
5 "13. When a building, real estate or other property
6 is no longer needed for the purposes for which it
7 was acquired by the county, to convert it to other
8 county purposes or to sell or lease it. In disposing
9 of an interest in real property by sale, by lease
10 for a term of more than three years or by gift, the
11 following procedures shall be followed:".

H-5857 FILED BY COMMITTEE ON JUDICIARY & LAW ENFORCEMENT
APRIL 2, 1980 SHIMANEK, Chair

Adopted on amendment 4/2/80

SENATE FILE 2316

H-5886

1 Amend House amendment H-5857, to Senate File 2316
2 as passed by the Senate, as follows:
3 1. Page 1, line 8, by inserting after the word
4 "purposes" the words ", to trade it with another
5 governmental body,".

H-5886 FILED BY DOYLE of Woodbury
APRIL 3, 1980

Adopted 4/3/80

HOUSE AMENDMENT TO SENATE FILE 2316

S-5700

1 Amend Senate File 2316 as passed by the Senate
2 as follows:

3 1. Page 1, by striking lines 7 through 9 and
4 inserting in lieu thereof the following:
5 "13. When a building, real estate or other property
6 is no longer needed for the purposes for which it
7 was acquired by the county, to convert it to other
8 county purposes, to trade it with another governmental
9 body, or to sell or lease it. In disposing of an
10 interest in real property by sale, by lease for a
11 term of more than three years or by gift, the following
12 procedures shall be followed:".

S-5700 FILED
APRIL 10, 1980

RECEIVED FROM THE HOUSE

Senate House on 4/14/80 (413)

SENATE FILE 2316

AN ACT

RELATING TO THE DISPOSITION OF PROPERTY BY COUNTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section three hundred thirty-two point three (332.3), subsection thirteen (13), Code 1979, as the section is amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter thirty-nine (39), section two (2), and chapter eighty (80), section one (1), is amended by striking the subsection and inserting in lieu thereof the following:

13. When a building, real estate or other property is no longer needed for the purposes for which it was acquired by the county, to convert it to other county purposes, to trade it with another governmental body, or to sell or lease it. In disposing of an interest in real property by sale, by lease for a term of more than three years or by gift, the following procedures shall be followed:

a. The board shall set forth its proposal in a resolution and shall publish at least one notice in a newspaper of general circulation in the county not less than four nor more than twenty days before the date set for the time and place of a public hearing on the proposal.

b. After the public hearing, the board may make a final determination on the proposal by resolution.

c. A county may not dispose of real property by gift except to a governmental body for a public purpose. However, a county may dispose of real property for use in an Iowa homesteading program under section two hundred twenty point fourteen (220.14) of the Code for a nominal consideration.

Sec. 2. Section five hundred sixty-nine point eight (569.8), subsection one (1), as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty-eight (68), section eighteen (18), is amended by striking the subsection and inserting in lieu thereof the following:

1. Disposition by a county of property acquired by tax deed shall comply with the requirements of section three hundred thirty-two point three (332.3), subsection thirteen (13) of the Code.

Sec. 3. Section five hundred sixty-nine point eight (569.8), subsection six (6), as amended by Acts of the Sixty-eighth General Assembly, 1979 Session, chapter sixty-eight (68), section eighteen (18), is amended by striking the subsection.

Sec. 4. This Act takes effect January first following its enactment.

TERRY E. BRANSTAD
President of the Senate

WILLIAM H. HARBOR
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2316, Sixty-eighth General Assembly.

FRANK J. STORK
Secretary of the Senate

Approved May 13, 1980

ROBERT D. RAY
Governor

S.F. 2316